



House of Representatives

File No. 646

General Assembly

February Session, 2004

(Reprint of File No. 38)

Substitute House Bill No. 5238
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 23, 2004

**AN ACT CONCERNING COMPANION ANIMAL HEALTH
CERTIFICATES, ESTABLISHING AN ANIMAL ABUSE COST
RECOVERY ACCOUNT AND THE RESTRAINT OR DISPOSAL OF
DOGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-329a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The Chief Animal Control Officer, any animal control officer or
4 any municipal or regional animal control officer may lawfully take
5 charge of any animal found neglected or cruelly treated, in violation of
6 sections 22-366, 22-415, as amended, and 53-247 to 53-252, inclusive,
7 and shall thereupon proceed as provided in subsection (b) of this
8 section, except that if, in the opinion of a licensed veterinarian, such
9 animal is so injured or diseased that it should be destroyed
10 immediately, such officer may humanely destroy or cause such animal
11 to be humanely destroyed.

12 (b) Such officer shall file with the superior court which has venue

13 over such matter a verified petition plainly stating such facts as to
14 bring such animal within the jurisdiction of the court and praying for
15 appropriate action by the court in accordance with the provisions of
16 this section. Upon the filing of such petition the court shall cause a
17 summons to be issued requiring the owner or owners or person having
18 responsibility for the care of the animal, if known, to appear in court at
19 the time and place named, which summons shall be served not less
20 than fourteen days before the date of the hearing. If the owner or
21 owners or person having responsibility for the care of the animal is not
22 known, notice of the time and place of the hearing shall be given by
23 publication in a newspaper having a circulation in the town in which
24 such officer took charge of such animal not less than fourteen days
25 before the date of the hearing. Such court shall further give notice to
26 the petitioner of the time and place of the hearing not less than
27 fourteen days before the date of the hearing.

28 (c) If it appears from the allegations of the petition and other
29 affirmations of fact accompanying the petition, or provided
30 subsequent thereto, that there is reasonable cause to find that the
31 animal's condition or the circumstances surrounding its care require
32 that its custody be immediately assumed to safeguard its welfare, the
33 court shall either (1) issue an order to the owner or owners or person
34 having responsibility for the care of the animal to show cause at such
35 time as the court may designate why the court shall not vest in some
36 suitable state, municipal or other public or private agency or person
37 the animal's temporary care and custody pending a hearing on the
38 petition or (2) issue an order vesting in some suitable state, municipal
39 or other public or private agency or person the animal's temporary
40 care and custody pending a hearing on the petition which hearing
41 shall be held within ten days from the issuance of such order on the
42 need for such temporary care and custody. The service of such orders
43 may be made by any officer authorized by law to serve process, state
44 police officer or indifferent person.

45 (d) If the court issues an order pursuant to subsection (c) of this
46 section vesting the animal's temporary care and custody in some

47 suitable state, municipal or other public or private agency or person,
48 the owner or owners shall either relinquish ownership of the animal or
49 post a surety bond or cash bond with the agency or person in whom
50 the animal's temporary care and custody was vested. The surety bond
51 or cash bond shall be in the amount of four hundred fifty dollars and
52 shall secure payment for the reasonable expenses of the agency or
53 person having temporary care and custody of the animal in caring and
54 providing for such animal until the court makes a finding as to the
55 animal's disposition under subsection (e) of this section or for thirty
56 days, whichever occurs first. The requirement that a bond be posted
57 may be waived if such owner provides satisfactory evidence that [he]
58 such owner is indigent and unable to pay for such bond.

59 (e) (1) If, after hearing, the court finds that the animal is neglected or
60 cruelly treated, it may vest ownership of the animal in any state,
61 municipal or other public or private agency which is permitted by law
62 to care for neglected or cruelly treated animals or with any person
63 found to be suitable or worthy of such responsibility by the court.

64 (2) If, after hearing, the court finds that the animal is so injured or
65 diseased that it should be destroyed, the court may order that such
66 animal be humanely destroyed.

67 (3) If, after hearing, the court finds that the animal is not neglected
68 or cruelly treated, it may cause the animal to be returned to its owner
69 or owners or person having responsibility for its care or, if such owner
70 or owners or person is unknown or unwilling to resume caring for
71 such animal, it may vest ownership of the animal in any state,
72 municipal or other public or private agency or person found to be
73 suitable or worthy of such responsibility.

74 (4) If the court makes a finding under subdivision (1) or (2) of this
75 subsection less than thirty days after the issuance of an order of
76 temporary care and custody under subsection (c) of this section and
77 the owner of the animal has posted a bond pursuant to subsection (d)
78 of this section, the agency or person with whom the bond was posted

79 shall return the balance of such bond to the owner. The amount of the
80 bond to be returned to the owner shall be calculated at the rate of
81 fifteen dollars per day for the number of days less than thirty that such
82 agency or person has not had temporary care and custody of the
83 animal.

84 (5) If the court makes a finding under subdivision (3) of this
85 subsection after the issuance of an order of temporary care and
86 custody under subsection (c) of this section and the owner of the
87 animal has posted a bond pursuant to subsection (d) of this section, the
88 agency or person with whom the bond was posted shall return such
89 bond to such owner.

90 (f) Unless the court finds that the animal is not neglected or cruelly
91 treated, the expense incurred by the state or a municipality in
92 providing proper food, shelter and care to an animal it has taken
93 charge of under subsection (a) of this section and the expense incurred
94 by any state, municipal or other public or private agency or person in
95 providing temporary care and custody to an animal under subsection
96 (c) of this section, calculated at the rate of fifteen dollars per day, shall
97 be paid by the owner or owners or person having responsibility for the
98 care of the animal.

99 (g) If the court vests ownership of the animal in the Commissioner
100 of Agriculture pursuant to subdivision (1) of subsection (e) of this
101 section, the commissioner may conduct a public auction of the animal
102 under such conditions the commissioner deems necessary or the
103 commissioner may consign the animal to a livestock auction. In a case
104 where rehabilitative or special care of such animal is required, the
105 commissioner may vest ownership of such animal in an individual or a
106 public or private nonprofit animal rescue or adoption organization
107 which annually places ten or more animals in private homes as pets.

108 (h) There is established a separate, nonlapsing account within the
109 General Fund, to be known as the "animal abuse cost recovery
110 account". All moneys collected from sales at public auction of domestic

111 animals seized by the Department of Agriculture pursuant to this
112 section shall be deposited into the account. Deposits of moneys may be
113 made into the account from public or private sources, including, but
114 not limited to, the federal government or municipal governments.

115 (i) Notwithstanding any provision of the general statutes, any
116 moneys received by the Department of Agriculture pursuant to
117 subsection (h) of this section shall be deposited in the General Fund
118 and credited to the animal abuse cost recovery account. The account
119 shall be available to the Commissioner of Agriculture for the purpose
120 of the housing, care and welfare of any domestic animal seized by the
121 department, until final disposition of such animal. Nothing in this
122 section shall prevent the commissioner from obtaining or using funds
123 from sources other than the account for the housing, care and welfare
124 of any domestic animal seized by the department pursuant to this
125 section.

126 (j) The commissioner shall report annually concerning the activities
127 and status of the animal abuse cost recovery account to the joint
128 standing committees of the General Assembly having cognizance of
129 matters relating to appropriations and agriculture.

130 Sec. 2. Section 22-354 of the general statutes is repealed and the
131 following is substituted in lieu thereof (*Effective from passage*):

132 Any dog or cat imported into this state shall be accompanied by a
133 certificate of health issued no earlier than thirty days prior to the date
134 of importation by a licensed, graduate veterinarian stating that such
135 dog or cat is free from symptoms of any infectious, contagious or
136 communicable disease, and that such dog or cat, if three months of age
137 or older, is currently vaccinated for rabies by a licensed veterinarian. A
138 copy of such health certificate shall be forwarded promptly to the
139 commissioner from the livestock sanitary official of the state of origin.
140 Any dog or cat originating from a rabies quarantine area must have
141 permission of the State Veterinarian prior to importation into this state.
142 No person, firm or corporation shall import or export for the purposes

143 of sale or offering for sale any dog or cat under the age of eight weeks
144 unless such dog or cat is transported with its dam and no person, firm
145 or corporation shall sell within the state any dog or cat under the age
146 of eight weeks. Any person, firm or corporation violating the
147 provisions of this section or bringing any dog or cat into this state from
148 an area under quarantine for rabies shall be fined not more than one
149 hundred dollars or imprisoned not more than thirty days or both.

150 Sec. 3. Section 22-358 of the general statutes is amended by adding
151 subsection (g) as follows (*Effective from passage*):

152 (NEW) (g) Not later than January 1, 2005, the Commissioner of
153 Agriculture shall adopt regulations, in accordance with the provisions
154 of chapter 54, to provide for an expedited appeal and hearing process
155 regarding the restraint or disposal of dogs pursuant to this section.
156 Such regulations shall provide for a final determination by the
157 commissioner not later than sixty days after the filing of such appeals.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Department of Agriculture	GF - Cost	Minimal	Minimal
	GF (Special Account) - Revenue Gain	Minimal	Minimal
Admin. Serv., Dept	Internal Service Fund (Revolving Fund) - Revenue Loss	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill authorizes the Commissioner of Agriculture to conduct public auctions, consign to auction, or vest ownership of certain animals. This could increase efficiency and streamline the current process, and result in a minimal reduction in potential costs. The animals vested by the court to the Department of Agriculture (DOAG) are now considered state surplus and auction responsibilities are delegated to the Department of Administrative Services (DAS). The bill would eliminate DAS from the process, resulting in a potential minimal revenue loss to the DAS Revolving Fund. Few auctions are anticipated. The cost to the Department of Agriculture from seizure to auction for animals auctioned in 2003 was \$48,912. The auction produced \$26,650 in gross revenue. The DOAG is anticipated to be reimbursed \$22,185 from DAS. The remainder of the funds, \$4,465, is reimbursement for an auctioneer hired by DAS, DAS and the University of Connecticut, where the auction occurred.

Requiring the income from an auction to be deposited into a non-lapsing General Fund account to be used for the temporary housing, care, and welfare of animals the department seizes, could provide a

more efficient method of funding to offset non-budgeted costs incurred by the agency.

Requiring that the Commissioner of Agriculture adopt regulations by January 1, 2005 regarding the restraint or disposal of dogs will divert agency resources away from current duties. The exact impact on the agency due to requiring that the final determination made by the Commissioner be made not later than 60 days after filing of such appeals, would depend upon the number of determinations required in a given time. The overall impact of these provisions is anticipated to be minimal and within routine agency duties.

Provisions of the bill concerning the issuance of a companion health certificate have no fiscal impact.

House "A" adds the provisions adopting regulations and expediting determinations made by the Commissioner of Agriculture and has a minimal fiscal impact.

OLR Bill Analysis

sHB 5238 (as amended by House "A")*

**AN ACT CONCERNING COMPANION ANIMAL HEALTH
CERTIFICATES AND ESTABLISHING AN ANIMAL ABUSE COST
RECOVERY ACCOUNT**

SUMMARY:

This bill modifies and changes several laws concerning animals. It (1) creates an account for the cost of caring for abused animals; (2) establishes a time limit on the validity of companion animal health certificates; and (3) requires the agriculture commissioner to adopt regulations expediting the appeals and hearings involving restraint or disposal of biting dogs. The regulations must require the commissioner to make a final ruling on such appeals within 60 days of their filing.

The bill (1) creates a nonlapsing account funded by income from Department of Agriculture (DOAg) auctions of neglected or cruelly treated domestic animals that a court gave DOAg ownership of and (2) allows the DOAg commissioner to use funds from the account or from other sources for the temporary housing, care, and welfare of animals DOAg seizes. The bill also allows DOAg to vest ownership of animals that need rehabilitative or special care to a public or private animal rescue or adoption organization that annually places at least 10 animals as pets in private homes.

The bill mandates that the requisite companion health certificate for any dog or cat imported into the state be issued no more than 30 days before the animal's importation date. Current law does not specify a time limit. By law, only a licensed, graduate veterinarian may issue the certificate.

The bill also makes technical changes.

*House Amendment "A" adds the expedited biting dog hearing and appeals process and makes minor and technical changes.

EFFECTIVE DATE: Upon passage

AUCTION OF ANIMALS FOUND TO BE NEGLECTED OR ABUSED

By law, after a hearing, if the court finds that an animal is neglected or cruelly treated, it may vest its ownership in (1) any state, municipal, or other public or private agency that is permitted by law to care for such animals or (2) any person the court finds suitable or worthy.

Under the bill, when the court vests ownership of an animal in DOAg, the commissioner may have a public auction (under conditions he deems necessary) or consign the animal to a livestock auction. The bill allows the commissioner to vest ownership of animals that need rehabilitative or special care to an individual or a public or private nonprofit animal rescue or adoption organization that annually places at least 10 animals as pets in private homes.

Animal Abuse Cost Recovery Account

The bill requires funds received from auctioning animals to be deposited into the General Fund and credited to the Animal Abuse Cost Recovery Account. Private or public funds, including those from the federal or a municipal government, may also be deposited in the account. The commissioner (1) may use funds from the account for the housing, care, and welfare of animals the department seizes and must care for until the court determines their final disposition and (2) must annually report the activities and status of the account to the Appropriations and Environment committees. (By law, the chief animal control officer, any animal control officer, or a municipal or regional animal control officer may lawfully seize any animal found to be neglected or cruelly treated.)

BACKGROUND

Temporary Custody

By law, if the court finds that the circumstances surrounding the care or the condition of a domestic animal (that an animal control officer seized and presented a petition about) requires that its care and custody be assumed, the court may decide to order:

1. the animal's owner or caretaker to show why the court should not

- vest its custody in someone else or
2. the animal's care and custody be vested temporarily in a public or private agency or person pending a hearing on the petition.

A hearing about the animal must be held within 10 days of the court's order. When the court puts an animal in the temporary custody of a suitable state, municipal, or other public or private agency or person's care until it determines the animal's destination, the owner must either (1) relinquish ownership or (2) post a \$450 surety bond or cash bond to pay for the cost of the animal's care (at \$15 per day). The court may waive the \$450 bond requirement if the owner shows that he is indigent and unable to pay.

Legislative History

On March 16, the House referred the bill (File 38) to the Finance, Revenue and Bonding Committee, which favorably reported it on March 29. On March 31, the House referred the bill to the Judiciary Committee, which reported it favorably without changes on April 6. On April 13, the House referred it to the Legislative Management Committee, which reported it favorably without changes on April 20.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 25 Nay 0

Finance, Revenue and Bonding Committee

Joint Favorable Report

Yea 45 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 0

Legislative Management Committee

Joint Favorable Report

Yea 16 Nay 3